Issuance Date: August 1, 2003
Effective Date: September 1, 2003
Expiration Date: August 1, 2008
Modification Date: July 27, 2004

# NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
# WASTE DISCHARGE PERMIT No. WA-003080-5

State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, Washington 98008-5452

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

**BROOKS MANUFACTURING CO.**

P.O. Box 7

Bellingham, WA 98227-0007

Facility Location:
2120 Pacific Street
Bellingham, Washington
Whatcom County

Water Body I.D. No.:
WA-01-3110

Industry Type:
Pressure Wood Treating

Receiving Water:
Stormwater Drainage Ditch to Whatcom Creek
(to Bellingham Bay)

Discharge Location:
Latitude: 48° 45' 30" N
Longitude: 122° 27' 30" W

is authorized to discharge in accordance with the Special and General Conditions which follow.

Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

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## GENERAL CONDITIONS

## SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

| Permit Section | Submittal | Frequency | First Submittal Date |
|---|---|---|---|
| S3.A. | Discharge Monitoring Report | Monthly | October 31, 2003 |
| S3.E. | Noncompliance Notification | As necessary | |
| S4. | Operations and Maintenance Manual | As necessary | |
| S5. | Spill Plan Update | 1/permit cycle, updates submitted as necessary | By December 1, 2003 |
| S8.A. | Acute Toxicity Characterization Data | Every other month for 7 (seven) months, beginning October 2004 | Sixty [60] days after October 2004 sample date |
| S8.C. | Acute Toxicity Tests Characterization Summary Report | 1/permit cycle | Ninety (90) days following the last characterization sampling event (in May 2005) |
| S8.C. | Acute Toxicity Compliance Monitoring Reports | Every other month if Acute Toxicity limit in place. | Sixty [60] days after each subsequent sampling event, if indicated |
| S9. | Dioxin and Furan Analysis | 1/permit cycle | October 2004, January 2005. Report due by September 1, 2005 |
| S10. | Stormwater Pollution Prevention Plan Update | 2/permit cycle | By December 1, 2003 |
| S10. | Stormwater Pollution Prevention Plan Modifications | As necessary | |
| G1. | Notice of Change in Authorization | As necessary | |
| G4. | Permit Application for Substantive Changes to the Discharge | As necessary | |
| G5. | Engineering Report for Construction or Modification Activities | As necessary | |
| G7. | Application for Permit Renewal | 1/permit cycle | By February 1, 2008 |
| G8. | Notice of Permit Transfer | As necessary | |
| G21. | Notice of Planned Changes | As necessary | |
| G22. | Reporting Anticipated Noncompliance | As necessary | |

# SPECIAL CONDITIONS

## S1. DISCHARGE LIMITATIONS

A. Process Wastewater Discharges

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee shall not directly discharge process wastewaters to waters of the state.

Process wastewaters are defined as: all wastewater generated as a result of conditioning wood prior to or during the treatment process; any wastewaters generated as a result of preservative formulation, recovery or regeneration; any wastewaters generated as a result of process area cleaning operations including, but not limited to, wastewaters from the drip pad, retort, and tank farm maintenance operations; vehicle maintenance and washing; and any storm water associated with the process area including the tank farm, retort, and drip pad. Stormwater from white wood or treated product storage areas is generally not considered process wastewater.

B. Stormwater Discharges - **INTERIM EFFLUENT LIMITATIONS**

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through **September 30, 2004**, the Permittee is authorized to discharge stormwater from the stormwater settling (sedimentation) pond located in the southwest corner of the property, subject to complying with the following limitations:

| **INTERIM EFFLUENT LIMITATIONS: Daily Maximum [a]** | | |
|---|---|---|
| **Parameter** | **Outfall #001[b]** | **Outfall #002[c]** |
| Oil and Grease | 10 mg/L | N/A |
| Pentachlorophenol[d] | 20 µg/L | 9 µg/L |
| Total Suspended Solids | 50 mg/L | N/A |
| pH | Daily minimum is equal to or greater than 6.5 and the daily maximum is less than or equal to 8.5 std. units. | |

[a] The daily maximum effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.

[b] Outfall #001 is defined as the discharge point from the stormwater pond, located at the southwest corner of the Brooks Manufacturing Co. property.

[c] Outfall #002 is defined as the point where the drainage ditch discharges to Whatcom Creek.

[d] Pentachlorophenol shall be quantified using Test Method 8270 modified for Selected Ion Monitoring (SIM), EPA method 3580B8151 modified, or GCMS monitoring, as long as the quantitation level is less than the permit limitation and it can be demonstrated that the precision and accuracy of the test is acceptable at that limit. The method detection limit of the variation used shall be no greater than 1.0 µg/L.

C. Stormwater Discharges - **FINAL EFFLUENT LIMITATIONS**

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on **October 1, 2004,** and lasting through the expiration date, the Permittee is authorized to discharge stormwater from the stormwater settling pond subject to complying with the following final effluent limitations:

| **FINAL EFFLUENT LIMITATIONS: Outfall #001[a]** | | |
|---|---|---|
| **Parameter** | **Maximum Daily[b]** | **Average Monthly** |
| Oil and Grease | 10 mg/L | N/A |
| Oil and Grease | No visible sheen | N/A |
| Pentachlorophenol[d] | 20 µg/L | 9 µg/L [e] |
| Total Suspended Solids | | 50 mg/L [c] |
| pH | Daily minimum is equal to or greater than 6.5 and the daily maximum is less than or equal to 8.5 std. units. | |

[a] Outfall #001 is defined as the discharge point from the stormwater pond, located at the southwest corner of the Brooks Manufacturing Co. property.

[b] The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day.

[c] The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. If only one sample is taken during the month, the average monthly effluent limitation applies.

[d] Pentachlorophenol shall be quantified using Test Method 8270 modified for Selected Ion Monitoring (SIM), EPA method 3580B8151 modified, or GCMS monitoring, as long as the quantitation level is less than the permit limitation and it can be demonstrated that the precision and accuracy of the test is acceptable at that limit. The method detection limit of the variation used shall be no greater than 1.0 µg/L.

[e] The average monthly effluent limit for pentachorophenol is calculated by taking the current month plus the previous 11 months of sampling data and dividing by 12. During the time the first 12 months of monitoring data are being obtained, the existing monthly PCP sample values shall be averaged (e.g. If there are 5 individual samples from 5 months, those values shall be added together and divided by 5 to determine the rolling average.

Months where no sampling takes place due to non-qualifying storm events shall not be considered for the purpose of calculating the rolling monthly average.

The final permit limits may be reevaluated in two years, and the permit may be modified based on the performance of the newly installed BMPs.

## S2. MONITORING REQUIREMENTS

A. **Interim** Monitoring Schedule

Beginning on the effective date of this permit and lasting through June 30, 2004, the Permittee shall monitor the stormwater discharges according to the following schedule:

| Parameter | Units | Sample Point | Minimum Sampling Frequency [2] | Sample Type |
|---|---|---|---|---|
| Flow [1] | GPD | 001 | Monthly | Calculated |
| Oil and Grease | mg/L | 001 | Monthly | Grab |
| TSS | mg/L | 001 | Monthly | Grab |
| Pentachlorophenol[3] | µg/L | 001, 002 | Monthly | Grab |
| pH | Standard Units | 001 | Monthly | Grab, Meter |

[1] Total flow shall be estimated for Outfall 001 based upon rainfall measurements or estimates, storm water collection area and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40%), medium (40-65%), or high (above 65%)] for each storm event sampled.

[2] The sampling frequency for storm water shall be **once every month for all twelve months of the year**. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 48 hours from the previously significant storm event. The grab sample shall be taken during the first 60 minutes of discharge. If the collection of a grab sample is impractical within the first 60 minutes of a rainfall event, a grab sample can be taken during the first two hours of discharge, and the Permittee shall submit with the monitoring report a description of why a grab sample was not possible during the first hour.

[3] Pentachlorophenol shall be quantified using Test Method 8270 modified for Selected Ion Monitoring (SIM), EPA method 3580B8151 modified, or GCMS monitoring, as long as the quantitation level is less than the permit limitation and it can be demonstrated that the precision and accuracy of the test is acceptable at that limit. The method detection limit of the variation used shall be no greater than 1.0 µg/L.

B. **Final** Monitoring Schedule

Beginning on October 1, 2004, and lasting through the expiration date of this permit, the Permittee shall monitor the stormwater discharge according to the following schedule:

| Parameter | Units | Sample Point | Minimum Sampling Frequency[2] | Sample Type |
|---|---|---|---|---|
| Flow[1] | GPD | 001 | Monthly | Calculated |
| Oil and Grease | mg/L | 001 | Monthly | Grab |
| TSS | mg/L | 001 | Monthly | Grab |
| Pentachlorophenol[3] | µg/L | 001 | Monthly | Grab |
| pH | Standard Units | 001 | Monthly | Grab, Meter |
| Acute Toxicity Testing | See S8. | 001 | Oct.-April, every other month, beginning Oct. 2004 | Grab |
| Dioxin and Furan Analysis | See S9. | 001 | Oct. 2004 and Jan. 2005 | Grab |

[1] Total flow shall be estimated for Outfall 001 based upon rainfall measurements or estimates, storm water collection area and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40%), medium (40-65%), or high (above 65%)] for each storm event sampled.

[2] The sampling frequency for storm water shall be **once every month for all twelve months of the year**. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 48 hours from the previously significant storm event. The grab sample shall be taken during the first 60 minutes of discharge. If the collection of a grab sample is impractical within the first 60 minutes of a rainfall event, a grab sample can be taken during the first two hours of discharge, and the Permittee shall submit with the monitoring report a description of why a grab sample was not possible during the first hour.

[3] Pentachlorophenol shall be quantified using Test Method 8270 modified for Selected Ion Monitoring (SIM), EPA method 3580B8151 modified, or GCMS monitoring, as long as the quantitation level is less than the permit limitation and it can be demonstrated that the precision and accuracy of the test is acceptable at that limit. The method detection limit of the variation used shall be no greater than 1.0 µg/L.

C. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

D. Flow Measurement

Total flow shall be estimated for Outfall 001 based upon rainfall measurements or estimates, storm water collection area and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40%), medium (40-65%), or high (above 65%)] for each storm event sampled.

E. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited.

## S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each calendar month shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be received no later than the 30$^{th}$ day of the month following the completed monitoring period, unless otherwise specified in this permit.

Priority pollutant analysis data shall be submitted no later than forty-five (45) days following the monitoring period. Unless otherwise specified, all toxicity test data shall be submitted within sixty (60) days after the sample date. The report(s) shall be sent to:

Washington State Department of Ecology
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, Washington 98008-5452

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the "no discharge" box checked, located in the upper right corner of the form.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2 of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.

2. Immediately notify the Department of the failure to comply.

3. Submit a detailed, written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

## S4. OPERATIONS AND MAINTENANCE

The Permittee shall at all times be responsible for the proper operations and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

A. Operations and Maintenance Manual

An *Operations and Maintenance (O&M) Manual* **for any facilities or systems installed to achieve compliance with the terms and conditions of this permit** shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the Department for review. The *O&M Manual* shall be reviewed by the Permittee at least once per year. Substantial changes or updates to the *O&M Manual* shall be submitted to the Department whenever they are incorporated into the manual.

The *Operations and Maintenance Manual* shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this manual.

The *O&M Manual* shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure;

2. Plant maintenance procedures;

3. The treatment plant process control-monitoring schedule.

The following information shall be summarized in the initial chapter of the *O&M Manual*. This chapter shall be entitled the "Treatment System Operating Plan." For the purposes of this NPDES permit, a Treatment System Operating Plan (TSOP) is a concise summary of specifically defined elements of the *O&M Manual*. The TSOP shall not conflict with the *O&M Manual* and shall include the following information:

1. A baseline operating condition which describes the operating parameters and procedures used to meet the effluent limitations of S1. at the production levels used in developing these limitations.

2. In the event of production rates which are below the baseline levels used to establish these limitations, the plan shall describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting shall be described in the plan.

3. In the event of an upset, due to plant maintenance activities, severe stormwater events, start ups or shutdowns, or other causes, the plan shall describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting shall be described in the plan.

4. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

5. A detailed discussion on how solids will be handled in the stormwater treatment system.

An updated Treatment System Operating Plan shall be submitted to the Department, as necessary, to include requirements for any installations or major modifications of the treatment system.

B. Bypass Procedures

The Permittee shall immediately notify the Department of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass—Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

   If the resulting bypass from any portion of the treatment system results in noncompliance with this permit, the Permittee shall notify the Department in accordance with Condition S3.E "Noncompliance Notification."

2. Anticipated Bypass That Has the Potential to Violate Permit Limits or Conditions—Bypass is authorized by an Administrative Order issued by the Department. The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) if a water quality criteria exceedence is unavoidable, a request for modification of water quality standards as provided for in WAC 173-201A-110, and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

   For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

   The Department will consider the following prior to issuing an Administrative Order:

   a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.

   b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.

c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by Administrative Order issued by the Department under RCW 90.48.120.

3. Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions—Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, or adversely impact public health as determined by the Department prior to the bypass.

## S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

## S6. SPILL PLAN

The Permittee shall by December 1, 2003, submit to the Department an update to the existing Spill Control Plan, for the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, 2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or 3) other materials which may become pollutants or cause pollution upon reaching state's waters. The Permittee shall review and update the Spill Plan, as needed. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The updated Spill Control Plan shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

## S7. BEST MANAGEMENT PRACTICES

The following Best Management Practices (BMPs) are to be fully implemented throughout the life of this permit. These (BMPs) shall be incorporated into the Storm Water Pollution Prevention Plan as appropriate.

1. Where treatment chemicals including treatment formulation precursors (except uncontaminated water) are received, stored, processed or otherwise handled, appropriate containment, drainage control, and/or diversionary structures shall be provided to prevent storm water run-on and contamination. Such structures may include: roofs, covers, curbing, culverts, gutters, or similar structures to prevent the contact of uncontaminated storm water with process wastewater or process pollutants.

2. The Permittee shall provide secondary containment for all liquid chemical storage and process areas that is sufficient to contain the capacity of the largest single tank or vessel plus ten percent. Secondary containment systems shall be sufficiently impervious to contain spilled chemicals until they can be removed or treated.

3. The Permittee shall ensure that treated product, upon the removal from the retort, remain on the drip pad until it has ceased dripping as defined in 40 CFR part 264.572 (k) and 40 CFR part 265.443 (k).

4. Drip pads shall be designed, installed, and operated in accordance with the requirements for drip pads contained in 40 CFR part 264 and 40 CFR part 265.

5. Separate material handling equipment (fork lifts, pettibones, etc.) shall be used for treated and untreated wood whenever feasible. When separate material handling equipment is not feasible actions shall be taken to ensure that process pollutants are not tracked to the untreated wood (white wood) storage yard.

6. Storm water originating from areas outside the treated product storage area(s) shall be diverted away from the treated product storage area(s). Runoff from the treated product storage area shall be collected or channeled to one or more discrete discharge points to facilitate storm water sample collection.

7. To the maximum extent practicable, untreated and treated wood shall be stored separately.

8. When not in use, trams shall be stored in such a manner that they will not come into contact with storm water.

9. The use of detergents and emulsifiers for equipment cleaning, maintenance, and repair which results in a discharge to waters of the state shall be prohibited unless adequate treatment is provided. Oil/water separators and/or sedimentation are not considered adequate treatment.

10. Infiltration of storm water runoff from the treated product storage areas shall be prevented to the maximum extent practicable.

## S8. ACUTE TOXICITY

A. Effluent Characterization

The Permittee shall conduct acute toxicity testing on the stormwater discharge from Outfall #001 to determine the presence and amount of acute (lethal) toxicity. The two acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Effluent characterization for acute toxicity shall be conducted once every other month during the months of October through April for one year (for a total of four sample events). Testing shall begin in October 2004. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section. A dilution series consisting of a minimum of five concentrations and a control shall be used to estimate the concentration lethal to 50% of the organisms ($LC_{50}$). The percent survival in 100% effluent shall also be reported.

A written report shall be submitted to the Department within sixty (60) days after each sample date. A Final Effluent Characterization Summary Report shall be submitted to the Department within ninety (90) days after the last monitoring test results are final. This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Acute toxicity tests shall be conducted with the following species and protocols:

1. Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA/600/4-90/027F), **AND**

2. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA/600/4-90/027F), **OR**

3. Rainbow trout, *Oncorhynchus mykiss* (96-hour static-renewal test, method: EPA/600/4-90/027F).

These tests are not being required to determine compliance with an effluent limit. This permit contains no effluent limit for acute whole effluent toxicity.

B. Effluent Limit for Acute Toxicity

The Permittee has an effluent limit for acute toxicity if, after completing one year of effluent characterization, either:

1. The median survival of any species in 100% effluent is below 80%, or

2. Any one test of any species exhibits less than 65% survival in 100% effluent.

If an effluent limit for acute toxicity is required by Subsection B at the end of one year of effluent characterization, the Permittee shall immediately complete all applicable requirements in Subsections C, D, and F.

If no effluent limit is required by Subsection B at the end of one year of effluent characterization, then the Permittee shall stop effluent characterization and complete all applicable requirements in Subsections E and F.

**The effluent limit for acute toxicity is no acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC). The ACEC equals 100% effluent.**

In the event of failure to pass the test described in Subsection C of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in Subsection D are being met to the satisfaction of the Department.

If no effluent limit is required by Subsection B at the end of one year of effluent characterization, then the Permittee shall stop effluent characterization.

C. Monitoring for Compliance With an Effluent Limit for Acute Toxicity

Monitoring to determine compliance with the effluent limit shall be conducted quarterly during the first, second, and fourth quarters of the year, using each of the species listed in Subsection A above on a rotating basis and performed using at a minimum 100% effluent and a control. The Permittee shall schedule the toxicity tests in the order listed in the permit unless the Department notifies the Permittee in writing of another species rotation schedule. The percent survival in 100% effluent shall be reported for all compliance monitoring.

After collecting three quarters of data (over one year), the Permittee may reduce monitoring frequency for acute toxicity to once annually, in October, if the results have consistently met the effluent limits for acute toxicity. If any violations of the acute toxicity effluent limit outlined in Subsection B occur during the annual monitoring period, the monitoring frequency shall automatically revert to quarterly until one year of compliance has been reestablished.

Compliance with the effluent limit for acute toxicity means no statistically significant difference in survival between the control and the test concentration. The Permittee shall immediately implement Subsection D if any acute toxicity test conducted for compliance monitoring determines a statistically significant difference in survival between the control and 100% effluent using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and 100% effluent is less than 10%, the hypothesis test shall be conducted at the 0.01 level of significance.

In the event of failure to pass the test described in Subsection C of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in Subsection D are being met to the satisfaction of the Department.

D. Response to Noncompliance With an Effluent Limit for Acute Toxicity

If the Permittee violates the acute toxicity limit in Subsection B, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted on the next four discharge events using the same test and species as the failed compliance test. Testing shall determine the $LC_{50}$ and effluent limit compliance. The discharger shall return to the original monitoring frequency in Subsection C after completion of the additional compliance monitoring.

This section is only applicable upon the violation of the acute toxicity limit listed in Subsection B and does not apply during the effluent characterization period.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/ Reduction Evaluation (TI/RE) plan to the Department within sixty (60) days after test results are final. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

E. Monitoring When There Is No Permit Limit for Acute Toxicity

If none of the effluent characterization tests required above shows a statistically significant reduction in survival in 5% combined effluent relative to the control, then the Permittee shall be considered to have no regulatory important acute whole effluent toxicity. No further acute WET testing will be required during this permit term.

Further WET testing may be required if significant changes occur in the facility operations which might, in the Department’s opinion, increase effluent toxicity.

F. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*, in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.

2. Testing shall be conducted on grab samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*, or most recent version thereof.

4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in Subsection A and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in Subsection A or pristine natural water of sufficient quality for good control performance.

6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the 100% effluent.

8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

## S9. DIOXIN AND FURAN ANALYSIS

A. Dioxin and Furan Analysis

The Permittee shall conduct dioxin and furan analyses in accordance with protocols, monitoring requirements, and QA/QC procedures specified in this section. Stormwater samples from Outfall 001, as specified under S1 of this permit, shall be analyzed for:

Dioxins and Furans;
2,3,7,8-Tetrachlorodibenzo-*p*-dioxin
Tetrachlorodibenzo-*p*-dioxins
Pentachlorodibenzo- *p*-dioxins
Hexachlorodibenzo- *p*-dioxins
Heptachlorodibenzo *p*-dioxins
Octachlorodibenzo- *p*-dioxins
Tetrachlorodibenzofurans
Pentachlorodibenzofurans
Hexachlorodibenzofurans
Heptachlorodibenzofurans
Octachlorodibenzofurans

B. Monitoring Requirements

1. A grab sample of stormwater runoff shall be collected from Outfall 001 in October 2004 and January 2005, for a total of two samples.

2. The storm water grab sample shall be collected from a discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 48 hours from the previously significant storm event. Both storm water grab samples shall be taken during the first sixty (60) minutes of discharge. Sample collection, storage, and analysis shall follow the protocols in S9.C. below.

3. The results of the Dioxin and Furan Study shall be submitted to the Department by September 1, 2005. The report shall include: quality assurance and quality control procedures for sample collection, transport and analysis; for storm water samples the magnitude and duration of the storm event sampled, the time since the last storm event and the magnitude of the last storm event.

4. The Department may issue an Order or modify this permit based upon the results of the Dioxin and Furan Study. A modification may include effluent limits for dioxins and furans.

C. Protocols

1. Sampling for dioxins and furans shall be in accordance with Appendix B of the USEPA/Paper Industry Cooperative Dioxin Screening Study (EPA 440/1-88-025, March 1988).

2. In accordance with 40 CFR 122.41(j)(4), dioxins and furans shall be analyzed using either:

EPA Method 1613: Tetra- through Octa- chlorinated Dioxins and Furans by Isotope Dilution;

or,

NCASI Procedures for the Preparation and Isomer Specific Analysis of Pulp and Paper Industry Samples for 2,3,7,8-TCDD and 2,3,7,8-TCDF: Technical Bulletin No 551;

or,

an equivalent method approved in advance by the Department.

## S10. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The Permittee shall submit to the Department an update to the existing Stormwater Pollution Plan (SWPPP) with the permit reapplication required in General Condition G7.

The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) months of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least thirty (30) days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

## GENERAL CONDITIONS

### G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Department.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2, above, must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

*"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

## G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

## G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.

2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.

3. A material change in quantity or type of waste disposal.

4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].

5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].

6. Nonpayment of fees assessed pursuant to RCW 90.48.465.

7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:

1. A material change in the condition of the waters of the state.

2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.

5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.

6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.

7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.

2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

## G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports whenever a material change to the facility or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

## G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred and eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

## G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

## G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least one hundred and eighty (180) days prior to the specified expiration date of this permit.

## G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date.

2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.

3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

## G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

## G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

## G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

## G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

## G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

## G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

## G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars ($10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars ($10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

## G16. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
1) an upset occurred and that the Permittee can identify the cause(s) of the upset;
2) the permitted facility was being properly operated at the time of the upset;
3) the Permittee submitted notice of the upset as required in condition S3.E; and
4) the Permittee complied with any remedial measures required under S5 of this permit.

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

## G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

## G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

## G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

## G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than two (2) years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

## G21. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, this permit may be modified, or revoked and reissued, pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

## G22. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

## G23. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

## G24. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels":

   1. One hundred micrograms per liter (100 μg/l).

   2. Two hundred micrograms per liter (200 μg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.

3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

B. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels":

1. Five hundred micrograms per liter (500 μg/L).

2. One milligram per liter (1 mg/L) for antimony.

3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

## G25. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.